

**REMARKS**

Applicants first note that independent claims 25 and 36 have been amended, without adding new matter, to incorporate limitations from their respective dependent claims. Several dependent claims have also been amended where required to ensure that their dependencies are correct, and that their language comports with the amendments to their independent claims. Because the independent claims have been amended to incorporate the limitations of their dependent claims, no new search is necessary. Therefore, Applicants respectfully request entry of the amendments as the amendments will place the claims in condition for allowance, or in better condition for appeal.

**§102 rejections to claims 1, 14, and 22**

Applicants respectfully disagree with the rejection of claim 1 under 35 U.S.C. §102(e) as being anticipated by Kinnunen. Claim 1 recites that a controller in a wireless communications device is configured activate a push-to-talk (PTT) mode responsive to a predetermined voice command issued by the user. Upon placing the wireless communications device in the PTT mode, the controller responds to other user-issued voice commands to key and un-key a transmitter to begin and end voice transmissions.

Kinnunen discloses a PTT user terminal capable of keying and un-keying a transmitter responsive to user voice commands. *Kinnunen*, p. 15, ll. 1-11. Kinnunen labels this mode “VOX.” However, a user in Kinnunen does not issue a voice command to place the user terminal in a VOX mode. Rather, the user must manually activate and deactivate the “VOX feature” via a user interface and a “brief push on the PTT switch.” *Kinnunen*, p. 7, ll. 1-7; *see also* p. 12, ll. 18-23. Because Kinnunen must manually activate and deactivate the disclosed VOX feature before the user ever issues a voice command, Kinnunen does not disclose a controller configured to “activate[] [a] push-to-talk mode in [a] wireless communications device

responsive to [a] predetermined voice command[]" as recited in claim 1. Therefore, Kinnunen does not disclose each and every element of claim 1, and as such, the §102(e) rejection of claim 1 fails as a matter of law.

The Examiner also rejected claims 14 and 22 under §102(e) as being anticipated by Kinnunen citing reasons similar to those stated with respect to claim 1. However, each of claims 14 and 22 recite language similar to that of claim 1. Therefore, the §102(e) rejection to claims 14 and 22 and to their respective dependent claims fails for reasons similar to those stated above.

#### **§102 rejections to claims 25 and 36**

The Examiner rejected independent claim 25 and its dependent claims 26, 32, and 34-35 under 35 U.S.C. §102(e) as being anticipated by Kinnunen. However, Kinnunen fails to anticipate the subject matter of claims 26, 32, and 34-35. Therefore, Applicant has amended claim 25 to include the subject matter of these dependent claims and traverses the rejection. Claims 26, 32, and 34-35 have been cancelled without prejudice.

As amended, claim 25 recites that the controller is configured to identify a recipient of a prerecorded message responsive to the predetermined voice commands. The controller is also configured to begin and end the transmission of the prerecorded message to the recipient by keying and un-keying the transceiver, respectively, responsive to the predetermined voice commands.

Kinnunen does not disclose any transmission of a prerecorded message. Rather, Kinnunen discloses only that the user keys the terminal by uttering a keyword into a microphone (*Kinnunen*, p. 13, ll. 13-20), and then speaks the words that are transmitted to the remote party into the microphone. Kinnunen discloses that after the terminal receives a floor grant, "the transmission is turned on ... and the user dictates the message to be transmitted into the

microphone 20a and terminal 10 transmits it to the ... network in a known manner." *Kinnunen*, p. 14, ll. 1-6 (emphasis added). A message dictated by a user and transmitted to a remote party as those words are spoken is not a prerecorded message.

Kinnunen does not teach identifying a remote party to receive a prerecorded message responsive to predetermined commands, and beginning and ending the transmission of the prerecorded message to the remote party responsive to predetermined commands. As such, Kinnunen fails to anticipate amended claim 25 and its remaining dependent claims.

The Examiner also rejected independent claim 36 and its dependent claims 37 and 41 under 35 U.S.C. §102(e) as being anticipated by Kinnunen. However, Kinnunen fails to anticipate the subject matter of claims 37 and 41. Therefore, Applicants have amended claim 36 to include the subject matter of dependent claims 37 and 41 and traverse the rejection. Claims 37 and 41 have been cancelled without prejudice.

As amended, claim 36 differs from claim 25 only in that claim 36 additionally requires recording the prerecorded message responsive to predetermined voice commands. As stated above, Kinnunen teaches "real-time" transmission only. Accordingly, for this reason, and for reasons similar to those stated above, Kinnunen fails to anticipate amended claim 36 as well as its remaining dependent claims.

Applicants note that dependent claims 27-28, 38-40, and 42-43 have been amended to ensure that their dependencies and their language comports with the amendments to their respective independent claims. No new matter has been added.

### **§103 rejection to claim 9**

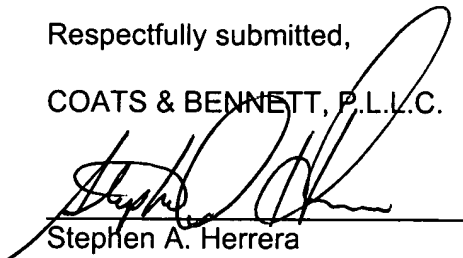
The Examiner rejected dependent claim 9 under 35 U.S.C. §103(a) as being unpatentable over Kinnunuen and Applicants' own specification. However, for the reasons

stated above, claim 1 – from which claim 9 depends – is patentable over Kinnunen. Therefore, claim 9 is also patentable over Kinnunen.

In light of the above amendments and remarks, Kinnunen fails to anticipate the claims under §102. As such, Applicants respectfully request the allowance of all pending claims.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Stephen A. Herrera", is written over a horizontal line.

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